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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,171	11/20/2000	Pierre Dupuy	Q61862	6878
23373	7590	12/19/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/715,171	DUPUY, PIERRE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khawar Iqbal	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10-23- 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being unpatentable by

Kaaresoja (6556573).

3. Regarding claim 1 Kaaresoja teaches a transmission apparatus comprising  
(abstract, figs. 1-6);

a first relay (208 IWF fig. 2) receiving data messages formatted in a first protocol (PCM 64 K bit/sec) from a transmitter and converting the data messages formatted in the first protocol into data messages formatted in a second protocol (GSM 16 K bit/sec) (col.2, lines 56-65, col. 5, lines 48-61, col. 8, lines 2-45, col. 13, lines 2-27);

a second relay (200 BTS) connected to the first relay (208 IWF fig. 2) and receiving the data messages formatted in the second protocol (GSM 16 K bit/sec) from the first relay (208 IWF fig. 2) and transmitting the data messages formatted in the second protocol in a synchronous mode to a receivers (MS 106)(col. 6, lines 35-60, col. 8, lines 2-45);

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a transmission channel interconnecting the first and second relays wherein, said data messages formatted and having a limited data rate associated to transmission in circuit mode (GSM 16 K bit/sec, U.S. Based on a circuit-switched system), wherein said data message formatted in said second protocol include data messages of different lengths (col. 6, lines 8-21 and 35-60, col.9, lines 25-62); and

means for transmitting said data messages formatted in said second protocol over said limited data rate transmission channel in an asynchronous mode (col.5, lines 48-61).

Regarding claims 6,12,13 Kaaresoja teaches a transmission method comprising the steps of (abstract, figs. 1-6):

receiving, in a first relay, data messages formatted in a first protocol and coming from a transmitter (col. 2, lines 56-65, col. 5, lines 48-61, col. 8, lines 2-6, col. 13, lines 2-27);

converting the data messages way formatted in the first protocol into data messages formatted in a second protocol (col. 2, lines 56-65, col. 5, lines 48-61, col. 8, lines 2-6, col. 13, lines 2-27);

transmitting the data messages formatted in the second protocol to a second relay connected to the to the first relay by transmission channel having a limited data rate associated transmission in circuit mode, wherein said data message formatted in said second protocol include data messages having different lengths, and said data message having different lengths are transmitted over said limited data rate

transmission channel in an asynchronous mode (col. 6, lines 8-21 and 35-60, col.9, lines 25-62); and

transmitting, in a synchronous mode, the data messages formatted in the second protocol from the second relay to a receiver (col. 5, lines 48-61, see above).

Regarding claims 2,7 Kaaresoja teaches wherein the second relay includes a buffer memory configured to store the message received from the first relay and then to transmit the data message to the receiver (col. 8, 45-49).

Regarding claims 3,8,14 Kaaresoja teaches wherein the second relay includes a decoder for receiving an instruction to retransmit a data message and for storing a copy of a data message that is to be retransmitted in the buffer memory (col. 10, lines 44-49).

Regarding claim 4,9,15 Kaaresoja teaches wherein the first protocol has a plurality of data rates for transmitting payload bits, the rate at which the payload bits are transmitted over the limited data rate transmission channel being intermediate in value U between the data rates of the first protocol (col. 9, lines 25-62).

Regarding claim 5,10 Kaaresoja teaches wherein the buffer memory is of the first-in-first-out type (col. 9, lines 25-62).

Regarding claim 11 Kaaresoja teaches wherein said second relay further includes a decoder for receiving instructions for controlling said buffer memory, said decoder determining whether a message is unavailable for transmission during a following transmission window based reception date of the message (col. 8, lines 21-50).

Regarding claim 16 Kaaresoja teaches a relay device for a transmission apparatus, the relay device comprising:

means for receiving from another relay device data messages transmitted in a circuit mode over a limited data rate transmission channel, wherein the data messages include data messages of different lengths (col. 6, lines 8-21 and 35-60, col.9, lines 25-62); a buffer memory configured to store the data messages (col. 8, 45-49); and a decoder for receiving an instruction to retransmit the data messages in a synchronous mode to a receiver and for storing the data messages that are to be retransmitted in the buffer memory(col. 10, lines 44-49, col. 12, lines 10-60).

### ***Response to Arguments***

Applicant's arguments filed 10-23-06 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference reasonably and properly meets the claimed limitations. Applicants argument was that "a transmission channel interconnecting the first and second relays wherein, said data messages formatted and having a limited data rate associated to **transmission in circuit mode**". In response, examiner would like to point out that Kaaresoja teaches a transmission channel interconnecting the first (IWF 208, fig. 2) and second relays (BTS 200) wherein, said data messages formatted and having a limited data rate (64 k bit/s to 16 K bit/sec) associated to transmission in circuit mode (GSM 16 K bit/sec, GSM, ATM and PCM are based on a circuit-switched system),In ATM network for cellular communication system for transmitting synchronous time

stamp information using ATM adaption layers (AAL2,AAL5) between at least two ATM interfaces (col. 10, 35-63 and claim 1).

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Khawar Iqbal*



GEORGE ENG  
SUPERVISORY PATENT EXAMINER